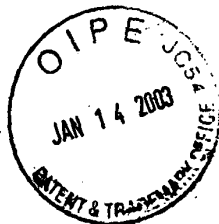


#18 1/25/03
9



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/775,069
Filing Date: February 1, 2001
Applicant: Mourou
Group Art Unit: 1725
Examiner: G. Evans
Title: METHOD FOR CONTROLLING CONFIGURATION OF
LASER INDUCED BREAKDOWN AND ABLATION
Attorney Docket: 2115D-000939/DVD

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 CFR 1.131

The undersigned hereby declare that:

1. We are the inventors of the subject matter described and claimed in the above identified patent application, serial no. 09/775,069 which is a divisional of reissue application serial no. 366,685, which is a reissue application of patent no 5,656,186 filed April 8, 1994, as Serial No. 08/224,961.

2. Prior to March 31, 1994, invention disclosure materials concerning the subject matter of the above identified patent application were submitted to the

Technology Management Office of the University of Michigan and to its outside counsel, Linda Deschere. Such invention disclosure materials included, but were not limited to, the documents contained in Exhibit 1 attached hereto. Such documents are entitled a) Sub-Wavelength Micro-Machining by Ultrafast Laser Ablation; b) Laser-Induced Breakdown by Impact Ionization in SiO₂ with Pulse-widths from 7 ns to 150 fs; and c) Damage Threshold as a Function of Pulse Duration in Biological Tissue. The materials of Exhibit 1 were not published prior to filing of the Application Serial No. 08/224,961.

3. It is our understanding that prior to March 31, 1994, the Technology Management Office of the University of Michigan requested that attorney Linda Deschere prepare a patent application based on the invention disclosure.

4. It is our understanding that attorney, Linda Deschere prepared a draft of the above identified patent application at least as early as March 31, 1994. On Thursday, March 31, 1994, Linda Deschere sent such draft patent application via facsimile to Mitchell A. Goodkin which was forwarded to us for review. A copy of the letter dated March 31, 1994 transmitting the draft patent application is attached as Exhibit 2.

5. At least as early as March 31, 1994, at least a set of claims for the draft of the above identified patent application was sent to inventor, Peter Pronko. On Thursday, March 31, 1994, Peter Pronko sent his comments regarding the claims for

the patent application to Linda Deschere. A copy of the facsimile cover transmitting Mr. Pronko's comments is attached as Exhibit 3.

6. On Tuesday, April 5, 1994, inventors, Jeff Squier and Gerard Mourou, sent their comments regarding the draft patent application of March 31, 1994 to Linda Deschere. A copy of the facsimile cover transmitting comments of Jeff Squier and Gerard Mourou is attached as Exhibit 4.

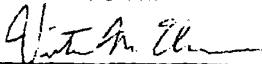
7. It is our understanding that Linda Deschere prepared a subsequent draft patent application based on our comments regarding the earlier draft patent application. On Wednesday, April 6, 1994, Linda Deschere sent the subsequent draft patent application via facsimile for our review. A copy of the letter transmitting the subsequent draft patent application is attached as Exhibit 5.

8. On Thursday, April 7, Gerard Mourou sent a facsimile transmission to Linda Deschere containing corrections to the draft of Exhibit 5. A copy of the facsimile cover transmitting such corrections is attached as Exhibit 6.

9. The above identified patent application was filed with the United States Patent and Trademark Office on Friday, April 8, 1994.

10. The letters and faxes including the attachments referenced therein have been maintained in confidence. As such, we, the inventors, hereby expressly reserve and do not waive, directly or indirectly, our rights and protection under the attorney-client privilege and work product doctrine in all communications with our attorneys which communications accompanied the letters and fax cover sheets referred to and attached to this declaration, whereby the submission of the transmittals herewith does not constitute a waiver of such rights and protection.

11. The undersigned acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001) and may jeopardize the validity of the application or any patent issuing thereon. The undersigned declares that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true.

| | | | |
|-----------------------------------------------------------------------------------------------------|----------------|----------------|------|
| Gerard Mourou | Date | Paul Lichter | Date |
| Detao Du | Date | Xinbing Liu | Date |
| Subrata Dutta | Date | Peter Pronko | Date |
|  Victor Elner | 1/3/03 Date | Jeffrey Squier | Date |
| Ron Kurtz | Date | | |